

# UNITED STATES DISTRICT & BANKRUPTCY COURT



# Idaho 2013 bench bar conference

OCTOBER 4, 2013

8:15 A.M. - 4:30 P.M.



COEUR D'ALENE RESORT

115 SOUTH 2ND STREET

COEUR D'ALENE, IDAHO

**COEUR D'ALENE PROGRAM  
2013 DISTRICT OF IDAHO  
BENCH BAR CONFERENCE**



*October 4, 2013  
Coeur d'Alene, Idaho  
Coeur d'Alene Resort*

- 7:45 a.m.      Registration**
- 8:15 a.m.      Welcome – Judge Ronald E. Bush, Joint Session**
- 8:25 a.m.      State of the Judiciary — Chief District Judge B. Lynn Winmill  
and Chief Bankruptcy Judge Terry L. Myers**
- 9:30 a.m.      Morning Break**

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**Bankruptcy — Emerging issues and pitfalls to avoid** — "Bankruptcy Practice Tips, and Pitfalls to Avoid." Bruce Anderson, Stephen B. McCrea and Jeff Andrews, all north Idaho bankruptcy practitioners, will discuss "practical" practice in chapters 7, 13 and 11 of the Bankruptcy Code, from the client walking into your office to closing the case. Recent cases of note and Bankruptcy Local Rules updates will be included in the session.

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**Civil — The iPad Litigator**

Using tablet technology effectively in the courtroom and the office — Adam Bloomberg, Managing Director, Trial Technology Services, Litigation Insights, Dallas, Texas, and J. Walter Sinclair, Stoel Rives, moderated by Trudy Hanson Fouser, Gjording Fouser.

No longer can lawyers be technology illiterate, iPads and similar devices have rapidly become a standard component of law practice, especially for trial attorneys. Lawyers are increasingly using these devices to communicate, collect and organize information to prepare for or present evidence at trial, or otherwise enhance the practice of law. Walt Sinclair and Adam Bloomberg will demonstrate how several of the existing applications can assist a lawyer during hearings, trials and client meetings.

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**9:45 a.m. Break-out Sessions**

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**Civil — The iPad Litigator (cont'd.)**

The program will discuss how to run your existing firm's PC applications and programs on the iPad or tablet. Moreover, it will address security issues and considerations associate with the use of cloud-based applications on an iPad or tablet. This program will be beneficial both for lawyers who currently use iPads or tablets and for lawyers who do not have one, but are contemplating the use of such a device.

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**Criminal — “Byte by Byte, the Digital Age Comes to Idaho’s Federal Criminal Practice”**

Panel: Assistant United States Attorney Traci Whelan and Andrea George, Executive Director, Federal Public Defender’s Office of Eastern Washington.

Trends and current case law in digital media searches, i.e., when is a warrant required, how must a search be conducted, GPS tracking systems, how particularized must the search be, what kinds of records can be obtained through subpoena, etc.

Trends and current challenges in criminal case discovery, i.e., how can the government ensure it is meeting its *Brady* obligations, where do defense counsel have the most concerns, what challenges are posed by voluminous digital evidence.

District of Idaho prosecution priorities and initiatives, and what challenges might this pose for the criminal defense bar.

Child sexual exploitation prosecutions; the impact of digital technology, sentencing guidelines issues, impact on federal prosecutions arising out of increased funding and resources for investigation at the state level.

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**11:45 a.m. Break**

**12:00 p.m. Luncheon is Provided** — Judge N. Randy Smith, U.S. Court of Appeals for the Ninth Circuit “How to be Happy in the Practice of Law”

**1:15 p.m. Keynote Speaker: Judge N. Randy Smith**

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Judge Smith will explain why understanding and using the correct standard of review is essential to appellate court decision making. The Federal Rules of Appellate Procedure require that appellant's opening brief specify the applicable standard of review. The standard of review is defined as: "The criterion by which an appellate court exercising appellate jurisdiction measures the constitutionality of a statute or the propriety of an order, finding, or judgment entered by a lower court." *Black's Law Dictionary* (2009). Appellate courts' power is circumscribed by the standards of review, which require varying degrees of deference be given lower courts. Applied correctly, they create a more consistent body of appellate law and a more efficient judicial system.

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**3:00 p.m. Afternoon Break**

**3:15 p.m. Judges' Panel — Questions and Answers**

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Moderated by one of the District of Idaho Lawyer Representatives, this always lively session brings a judicial perspective to questions of substance and procedure in the practice of law before the District Court and Bankruptcy Court of the District of Idaho.

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**4:30 p.m. Adjourn**